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EMIGRATION LAWS AND POLICIES OF THE REPUBLIC OF HUNGARY

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

HIS DETERMINATION THAT HUNGARY MEETS THE EMIGRATION CRITERIA OF THE JACKSON-VANIK AMENDMENT TO THE TRADE ACT OF 1974, PURSUANT TO 19 U.S.C. 2432(b)

JANUARY 23, 1991.—Message and accompanying papers referred to the Committee on Ways and Means and ordered to be printed

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To the Congress of the United States:

In July 1990 I determined and reported to the Congress that Hungary continues to meet the emigration criteria of the Jackson-Vanik amendment to, and section 409 of, the Trade Act of 1974. This determination allowed for Hungary to retain most favored nation (MFN) status without an annual waiver.

As required by law, I am submitting an updated formal report to the Congress concerning emigration laws and policies of the Republic of Hungary. You will find that the report indicates continued Hungarian compliance with U.S. and international standards in the areas of emigration and human rights policy.

GEORGE BUSH.

THE WHITE HOUSE, *January 22, 1991.*

Report to Congress Concerning Emigration Laws and Policies of the Republic of Hungary

This report on the emigration laws and practices of the Republic of Hungary constitutes the periodic report required by sections 402(b) and 409(b) of the Trade Act of 1974, as amended ("the Act"), as a consequence of Presidential Determination 90–3 of October 29, 1989 that the Republic of Hungary is not in violation of paragraphs (1), (2), or (3) of section 402(a), or paragraphs (1), (2), or (3) of section 409(a) of the Act.

All current information indicates that the emigration laws and practices of the Republic of Hungary continue to satisfy the criteria laid out in sections 402(a) and 409(a) of the Act in respect of all matters covered by those subsections.

Hungary made a peaceful transition into a Western-style parliamentary democracy in two rounds of fair and free elections held in March and April 1990. The new government has pledged to carry forth the reforms already put in place by its interim predecessor. This pledge has been and remains fulfilled with respect to the government's emigration and human rights policy.

On September 26, 1989, Hungary's Parliament enacted a new emigration law providing that it is the fundamental right of Hungarian citizens to select their place of residence and to emigrate from Hungary and return. These rights are limited in only exceptional cases: persons under indictment for crimes punishable by more than three years' imprisonment; persons serving prison sentences; persons with public debts who have not guaranteed payment; persons liable for military service who have not received authorized leave from the Defense Ministry; minors without a guardian's consent; persons who have not arranged for support of an incapacitated dependent who will remain behind; and, for three years, those in possession of state secrets affecting national security interests. We are aware of no discrimination applied against persons wishing to emigrate from Hungary.

These dramatically liberalized emigration laws have greatly facilitated freedom of travel for Hungarian citizens. In 1989 the 10.6 million citizens of Hungary made nearly 14.5 million trips abroad. FY 1989 witnessed the issuance of 24,808 U.S. non-immigrant visas for Hungarians, and 26,453 NIVs were issued in FY 1990. There are no outstanding emigration cases involving the United States and no divided family cases. The U.S. processed 282 family reunification immigration visas in 1989; the American Embassy in Budapest alone processed 136 family reunification immigration visas in 1990.

There are no known cases of passport refusals on political grounds. Although Hungarian law permits passports to be denied on grounds of national interest, or if a citizen is under criminal indictment, serving a prison sentence, or has outstanding debts for

which no provision for payment has been made, such denials amount to well under one percent of all passport applications.

The Republic of Hungary has in practice been following these laws since 1988, and continues to do so today without any changes since Presidential Determination No. 90–3 was executed.

PERTINENT EXCERPT FROM 1990 HUNGARY HUMAN RIGHTS REPORT

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Movement of Hungarian citizens within the country is unrestricted. All residents carry identity cards, and must register with local police when they change residences. Because of housing shortages, there are limits on new residents in Budapest. Foreign travel is generally hindered only by shortages of hard currency for individual use. Nevertheless, the unrestricted availability of world passports resulted in an overwhelming flood of "economic tourism" to neighboring countries as well as travel elsewhere. There were reports in August and September that authorities were curtailing crossborder traffic at points along the Hungarian-Soviet and Hungarian-Romanian borders. The government announced it was attempting to crack down on contraband trade. Current law established the right of Hungarians to emigrate and of emigrees to return freely. Emigration may be delayed, but not denied, for those who owe significant criminal debts or who possess state secrets. From mid-1989 on, several exiled dissidents returned to Hungary and successfully regained their revoked citizenships. A notable example is 1956 revolutionary Bela Kiraly, who regained his citizenship in early 1990 and is now a member of the new parliament.

Hungary's 1989 accession to Geneva refugee conventions included a European reservation by which the country bound itself only to accept and care for European refugees. In practice, however, persons of all nationalities were accepted in 1990 and provided to the best of the government's ability with housing, education, and employment aid, despite increasingly severe strains on resources. Elimination of the European clause was under discussion in late 1990.

The overwhelming bulk of refugees seeking to stay in Hungary in 1990 continued to be Romanians; of these, ethnic Hungarians generally had little trouble finding work and acceptance. Public tolerance of ethnic Romanians and Gypsies was lower; as economic conditions hardened, resentment over these groups' perceived preferential access to housing and jobs became an increasingly tender issue. Accounts persisted of authorities turning back Romanian refugees at the border, and on August 11 Romanians threatening to hunger strike at the American Embassy were reportedly forcibly repatriated.

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